

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM FORM eNOI-KYG04—INSTRUCTIONS

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Pursuant to 401 KAR 5:055, Section 2, a Kentucky Pollutant Discharge Elimination System (KPDES) permit is required to discharge pollutants from a point source into waters of the Commonwealth. The operator of a coal mining operation must submit a NOI-KYG04 to obtain coverage under the KPDES Coal Mining General Permit KYGE40000 (KYGE4) or KYGW40000 (KYGW4). If you have questions about whether you need a permit under the KPDES program, or if you need information as to whether a particular program is administered by the state agency, you may contact the Kentucky Division of Water, Surface Water Permits Branch at (502) 564-3410.

Operators seeking:

- 1) **Renewal of coverage with or without modifications, new permit coverage, or a modification to existing coverage** shall electronically submit the eNOI-KYG04 and required attachments (Mining Reclamation Plan (MRP) map, a KPDES map, and a quadrangle map) a minimum of 90 days prior to commencement of discharge.
- 2) **WET reduction only, RA status to removal only, removal of CRO designation only, update as-built coordinates only, or submittal of 2 year RPA sample only** shall electronically submit the eNOI-KYG04. No attachments are required for these actions.
- 3) **Transfer only** shall electronically submit the eNOI-KYG04 along with DNR transfer documentation.

A completed Socioeconomic Demonstration Alternatives Analysis (SDAA) form is required with all new or expanded operations.

Lab sheets to support RPA samples taken on-site, are required to be submitted.

Failure to submit the updated eNOI-KYG04 within the specified timeframe may result in the termination of coverage.

For KYGE4 only: The Pre-Mining Survey Map (PMSM) is required for new or expanded active surface mining areas draining to a continuous flow sediment control structure, new or expanded coal preparation plants, and new or expanded underground mines. New or expanded facilities are defined in the KYGE4 permit, Section 2.10. Prior to submission of the permit application, the applicant shall submit for review and concurrence to the Division of Water (DOW), a PMSM to establish the in-stream monitoring locations that will determine background conditions.

WHERE TO FILE THE NOI FORM

The eForm eNOI-KYG04 is available at:

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYG04PermitPage.pdf>

You will need to log into the MYKY Kentucky Online Gateway to complete and submit this form.

COMPLETING THE FORM

If using a Transaction ID from a previous submittal, make sure to update the form to match the last coverage issued. Remove all previously deleted or removed outfalls from the form before submitting.

Enter information in the appropriate areas only. **(*) denotes a required field. (✓) denotes a conditionally required field.** If you have any questions regarding the completion of this form, you may contact the Surface Water Permits Branch, at (502) 564-3410.

This document will automatically time out after a period of inactivity and all data will be lost. If you expected to be inactive for 15 minutes or more, it is suggested to click on "Click to Save Values for Future Retrieval" found at bottom of the form. Record the Transaction ID to be able to log in again and resume the application process. Errors and/or deficiencies with the form will be highlighted in red. These will need to be addressed before you will be able to submit the form.

The following operations owned or controlled by the permittee shall be combined under one KPDES application:

- 1) Coal Preparation Plants which include the facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then loaded for transit to a consuming facility. This includes all pipes, channels, basins, tanks and all other structures and equipment that convey, contain, treat, or process any water that is used in the coal preparation plant (including slurry sediment control structures, freshwater sediment control structures, and conveyances) and coal preparation associated areas that includes coal preparation plant yards, immediate access roads, coal refuse piles, coal storage piles and facilities, coal load out activities, coal stockpiles, coal refuse storage areas, haul roads, and treatment systems designed to handle runoff or seepage from preparation plant disturbed areas.
- 2) SMCRA haul road only permits shall be combined with the primary adjacent SMCRA mining permit that utilizes the haul road.

eNOI SECTION INSTRUCTIONS:

Reason for Submittal: Choose the appropriate Reason for Submittal. Please review all options before selecting one.

All applications submitted except for **new permit coverage**, will require the Agency Interest ID and KPDES Permit ID. These numbers will be found on the previous coverage letter. Do not use those from another site.

Please describe the activities associated with this coverage being sought. This includes all additions, changes in operations, deletions, etc. for which this coverage is being sought.

SECTION I - FACILITY OPERATOR INFORMATION

Enter the DNR Permittee Company name, the contact person at this company, and all associated contact information. No information in this field should be consultant related.

SECTION II - GENERAL SITE LOCATION INFORMATION

Provide the facility name, Status of Owner/Operator, and all associated contact information along with the latitude and longitude of the permitted site (coordinates shall be in decimal degrees, 5 digits after the decimal is required throughout the form).

SECTION III – SPECIFIC SITE ACTIVITY INFORMATION

Click on “Add” to expand the fields. You are to complete this section for each SMCRA permit number included in this application. Describe all Types of Operation to be permitted for each SMCRA permit number (e.g. Surface Mining, Prep Plant, Underground, etc.). Enter the seven digit SMCRA permit number and the Department for Natural Resources (DNR) Action. DNR Actions include MI, MA, and AM. These fields are required.

ACREAGE TABLE: Complete this section as requested (in acres). “Current” is previously permitted acreage. “Additions” is the acreage to be added under this DNR Action. If application is for a new facility, all acreage should be shown in “Additions” field. The “Total” field is required and shows the new total of all existing and proposed acres. The sum of surface areas and underground working acreages should match those found on the MRP map. If including acreages as “Other Areas”, describe other areas as (mine management areas, haul roads, etc.).

HOLLOW FILL INVENTORY: If site contains or proposes hollow fills (HF), this section is required. If the facility has no HFs, enter 0 for Number of Hollow Fills. A HF is defined as spoil storage structures consisting of rock and/or coal waste materials excluding residential waste, construction debris, and slurry, placed so as to encroach upon or obstruct any part of a watercourse or defined valley. For clarification of this section on the form, please read the note (?). Enter the total number of HFs associated with this application, then click “Tab” to expand the fields.

For each section, enter the HF identifying number, and status (Existing, Proposed, or Expanded). For existing HFs, enter the total currently permitted acres. For proposed or expanded fills, enter only the change in acreage of the design. If a HF is proposed, enter 0 in Current HF size. Enter the KPDES outfall number(s) associated with each fill. For purposes of this section, existing is defined as previously permitted.

To add additional DNR Permit Numbers click on “Add”. To remove a DNR Permit Number, select which Number that is to be removed and click on “Remove”. To add or remove a HF, update the “Number of Hollow Fills” field (e.g. change 2 to 3 to add one and 3 to 2 to remove). When reducing the number of HFs, the last HFs added will be removed.

All required fields must be completed prior to adding additional DNR numbers.

SECTION IV – OUTFALL INFORMATION

Remove all previously deleted or removed outfalls.

Click on “Add” to expand the fields. Each outfall must be added to this section including all currently permitted KPDES outfalls, those that are eligible for inactivation (this includes outfalls that are to be removed, or deleted from plans and the DNR actions but not inactivated by KPDES) and those that are proposed.

For each Section IV: Enter the outfall’s three digit identifying number starting with 001 (or as previously assigned), the SMCRA Permit Number, DNR Pond Number as shown on the MRP map, and the status of the outfall (Existing, Proposed, Deleted from Plan, Outfall Removed, or Expanded).

- 1) Existing is defined as previously permitted.
- 2) Proposed is defined as an outfall that has not yet been permitted.
- 3) Deleted from plan is defined as an outfall that was proposed but never constructed and has been removed from the DNR mining plan.
- 4) Outfall Removed is defined as an outfall that was previously permitted and constructed, and has been removed.
- 5) Expanded is defined as an outfall that has an increase in discharge due to the addition of new acreage to the drainage area.

Identify if outfall is physically constructed in the field or not.

If outfall is shared with another SMCRA Permit, enter the SMCRA Permit number and DNR Pond Number. If shared with more than 2 other permits, please attach additional information.

For KYGE4 only, select type of outfall (Continuous flow or non-continuous flow sediment control structures). For the purposes of this permit, continuous flow sediment control structures are those sediment control structures that are constructed within the natural drainage way of a water body, have a continuous discharge or have an average discharge duration of 96 hours or more, or receive the drainage from the underdrain of a hollow fill. Non-continuous flow sediment control structures are sediment control structures that do not meet the definition of a continuous flow sediment control structure.

Provide the latitude and longitude of the outfall (in decimal degrees). These coordinates shall be identical to the latest DNR application and MRP map, and approximately match the satellite imagery.

Provide the currently permitted drainage area to the outfall (in acres). If the outfall is proposed, enter a 0 as current. For expanded drainage, enter only the change in acreage of the design or if no expansion is proposed, enter “0”.

Indicate the type of drainage received by the outfall. If more than one type of drainage is received, select the additional type(s). Types include:

- 1) **UGNC** - Discharges from underground workings of underground mines not commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
- 2) **UGC** - Discharges from underground workings of underground mines commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
- 3) **CSMD** - Controlled surface mine drainage (except steep slope and mountaintop removal). “Controlled surface mine drainage” means any surface mine drainage that is pumped or siphoned from the active mining area. “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
- 4) **NSMD** - Non-controlled surface mine drainage (except steep slope and mountaintop removal). “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.

- 5) **SSMR** - Discharges from steep slope and mountaintop removal areas. "Steep slope" means surface mining activities conducted on slopes greater than 20%. "Mountaintop removal" means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
- 6) **PPAA** - Discharges from coal preparation plant and coal preparation plant associated areas (excluding coal refuse disposal piles). "Coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then loaded for transit to a consuming facility. Includes all pipes, channels, basins, tanks and all other structures and equipment that convey, contain, treat, or process any water that is used in the coal preparation plant (including slurry sediment control structures, freshwater sediment control structures, and conveyances). "Coal preparation associated areas" means coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
- 7) **RA** - Reclamation Areas. "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specially, seeding or planting) work has commenced.
- 8) **SANITARY** – Sanitary wastewaters are comprised of wastewaters from bathhouses, mine offices, etc.
 - a) **SAN D** - a direct discharge to a water of the Commonwealth.
 - b) **SAN O** - a discharge to another treatment system prior to entering a water of the Commonwealth.

For receiving waters, identify if outfall discharges to an unnamed tributary (UT). Then enter the first "named" receiving water. (Please click the link for a list of possible receiving waters).

Select the current or proposed treatment (Sedimentation, Sedimentation & Flocculation, Sedimentation & Flotation, Sedimentation & Neutralization, or Sedimentation & Additional). If treatment of Sedimentation & Additional was selected, describe additional treatment. List all chemicals used in product processing and sedimentation control treatments.

Please attach SDS sheets for all chemicals used or proposed to be used in product processing and all treatments of sediment structures.

Substantially Identical Outfalls (SIO)

Substantially identical or representative outfalls (RO) are outfalls that receive drainage from the same type of mining activities, disturb the same overburden, utilize the same type of sediment control structures, are within the same HUC 14 watershed, are expected to produce chemically similar effluents and would be subject to the same effluent limitations.

To request SIOs, the applicant is required to document **all** of the following in an attached justification statement:

- 1) Location of each of the substantially identical outfalls;
- 2) The KPDES permit outfall number assigned to each outfall;
- 3) The types of activities taking place within the contributing drainage area of each outfall, including the coal seams mined, overburden characteristics, mining methods, etc;
- 4) Description of the sediment control structures for each outfall;
- 5) The expected frequency and volume of flow for each outfall;
- 6) Why the permittee expects the outfalls to produce similar effluents;
- 7) The outfall the permittee requests as the representative outfall;
- 8) The basis for selecting the representative outfall; and
- 9) Attach lab sheets if used for data to support estimates.

For the purposes of Reasonable Potential Analysis (RPA) required for this application: The permittee is required with each application to collect, analyze and report at least one sample of effluent from each outfall (existing or proposed) for the parameters listed in the Effluent Data Table. Samples must be taken no more than 12 months prior to the date of this submittal.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to use a RO to provide this data. Indicate if this outfall will be submitted as a RO, if a sample will be submitted from this outfall for RPA purposes, and list the associated outfalls.

If this outfall is being represented by another outfall for RPA, provide the outfall number of that RO.

Effluent Data Table: Report the numerical results of the analysis for the pollutant or pollutant characteristics in the units provided along with the Minimum Reporting Level (MRL). Enter the date of sampling event. All fields are required and lab sheets must be attached. If any lab result is less than the MRL, designate such with "<" Laboratory MRL value. As of January 1, 2015, all laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by an EEC certified wastewater laboratory.

For the purposes of permit compliance: Discharge samples and measurements shall be collected at the compliance point for each KPDES outfall identified in the KYGE/W4 Coverage Letter. Each sample shall be representative of the volume and nature of the monitored discharge.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to monitor representative outfalls for compliance purposes. Indicate if this outfall is being submitted as a compliance representative outfall (CRO), and list all associated outfalls.

If this outfall is being represented by another outfall for compliance purposes (CRO), provide the outfall number of that CRO.

If a continuous flow sediment structure was represented by a SIO RPA sample with the renewal application, a sample will still be required from each structure before each can transition to reclamation status. No new continuous flow sediment control structures receiving Active mine drainage (i.e. UGNC, UGC, CSMD, NSMD, SSMR and PPAA) will be eligible for SIOs.

To add additional outfalls, click on "Add". To remove an outfall, click on "Remove", this will remove the current outfall being viewed.

SECTION V – OTHER EFFLUENT DATA

To provide a sample for RPA when there are no existing discharges on the site, the permittee may use data from an adjacent existing activity which is substantially identical. If there are no existing discharges or substantially identical adjacent activities, then the permittee shall estimate the expected discharge levels. If submitting a substantially identical RPA sample from an adjacent existing activity or an estimated effluent sample, complete this section and attach a justification statement as outlined above.

Click on "Add" to expand the fields.

Effluent Data Table: Report the numerical results of the analysis for the pollutant or pollutant characteristics in the units provided along with the Minimum Reporting Level (MRL). Enter the date of sampling event. All fields are required and lab sheets must be attached. If any lab result is less than the MRL, designate such with "<" Laboratory MRL value. As of January 1, 2015, all laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by an EEC certified wastewater laboratory.

To add additional data, click on "Add". To remove data, click on "Remove", this will remove the current data being viewed.

SECTION VI – IN-STREAM MONITORING LOCATIONS – Eastern KY Only

In-Stream Monitoring is required for new or expanded active surface mining areas draining to continuous flow sediment control structure, new or expanded coal preparation plants, and new or expanded underground mines in the eastern coal field. If in-stream monitoring is required, complete this section.

Prior to submission of the permit application, the applicant shall submit for review and concurrence to DOW, a PMSM that includes a topographic map illustrating the location of all existing and proposed KPDES outfalls associated with the activity, and the proposed in-stream monitoring locations. The pre-mining survey consists of a minimum of a single sampling event at each approved in-stream monitoring point identified in the PMSM during the appropriate biological index period to determine the physical, chemical, and biological background conditions. These results shall be reported under the Background Water Quality section.

Click on “Add” to expand the fields. For each in-stream section: Enter the in-stream monitoring location identifier, latitude and longitude (in decimal degrees), and list all KPDES outfalls associated with this in-stream monitoring location. The in-stream monitoring location identifier is a 3 digit number starting with “I01” (I as in In-stream). Complete the background water quality results.

To add additional locations, click on “Add”. To remove locations, click on “Remove”, this will remove the current location being viewed.

SECTION VII - OTHER ENVIRONMENTAL APPROVALS AND PERMIT INFORMATION

Please provide existing or required Clean Water Act Section 404 Permit and Underground Injection Control UIC numbers or application dates.

SECTION VIII - DISCHARGE MONITORING REPORT (DMR) CONTACT INFORMATION

DMR Official: KPDES permit holders are required to submit DMRs electronically to the Division of Water on a regular schedule (as defined by the KPDES permit). This section is to identify the DMR official. Please provide the name, and contact information of the DMR signatory authority, i.e. the company official responsible for signing DMRs (see **SIGNATURE REQUIREMENTS** below).

SECTION IX - NOI PREPARER INFORMATION

Provide the name, company name, and the contact information of the person preparing this eNOI.

SECTION X- ATTACHMENTS

If required, attach:

- 1) The most current signed and stamped MRP map submitted to the Division of Mine Permits (DMP) for each SMCRA number and Action (labeled as DNR# MRP Action #);
- 2) A KPDES Map showing the total permit boundary including acreage, location of outfalls for the entire KPDES permit area, flow lines as arrows, all adjacent DNR permits including boundaries of any overlapping or shared ponds, and preferred to be in a scale of 1”:400’ (labeled as KPDES Map); and
- 3) A USGS topographic map clearly indicating the location of the activity (labeled as Quad Map).
- 4) Submit a completed SDAA form if eNOI is for a new or expanded operation.
- 5) If Effluent Sample is required, attach effluent data lab sheets (labeled as DNR# Outfall # Lab Sheet).
- 6) If required, attach justification statements (labeled as Justification Statement) for any proposed ROs or CROs.
- 7) Other File(s): Attach any additional files required for review.

Do not attach these items until ready to “Click to Continue to ePay”. Attachments are not saved with the eNOI when you “Click to Save Values for Future Retrieval”.

SECTION XI - CERTIFICATION

Provide the Signature, title, printed name, and contact information of the responsible party along with the Signature Date. With each submittal, the signature date needs to be updated.

Signature: Provide full name of the responsible party. This will constitute a signature.

SIGNATURE REQUIREMENTS - The eNOI must be signed as follows:

- 1) **Corporation:** by a responsible corporate officer such as: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations (the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate

information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures).

- 2) **Partnership or sole proprietorship:** by a general partner or the proprietor respectively.

Note: Consultants and contract labs may submit these electronic forms provided the signatory authority signs the forms or has authorized them in accordance with the requirements of 401 KAR 5:060, Section 4 to sign for them.

Click to “Save Values for Future Retrieval”: If additional information is required and submittal of application is not complete, click here to save entries for future retrieval. You will receive a Transaction ID when you save the document. Be sure to record this number, you will need it to retrieval your application for completion.

Click to “Continue to ePay”: When application is complete, click here to submit application. You will receive a Submittal ID number and Transaction ID number when the application is accepted, be sure to record these numbers. DOW will require the Submittal ID number if you have questions concerning your submittal. You will receive a new Transaction ID and Submittal ID each time you submit the application.

If fees are associated with your submittal, you will automatically be sent to DEP’s ePay site where you must make an ePayment for the initial application fee of \$1300. For permit modifications fees, please check the Modification Fee Schedule document found on our webpage. The application will not be complete until you have included your fee. Through ePay, you can pay by MasterCard, Visa, American Express or debit card for a service fee, or by ACH (Electronic Check Payment Processing) for a checking or savings withdrawal with no service fee. There is a 20 minute window for ePay process to be completed once the ePay screen is accessed.

RESPONDING TO A NOTICE OF DEFICIENCY (NOD)

When deficiencies in an application are identified by the DEP Technical Reviewer, you will receive an NOD email with a Transaction ID number attached. Save this ID number. Access the eNOI through the MYKY Kentucky Online Gateway portal and locate the Transaction ID.

This form will now show boxes outlined in blue which highlight all changes made by the reviewers and applicants. Read the comments in the “DEP Reviewer Comments”. Make the appropriate changes to the eNOI and/or attach the respective attachments and enter a description of your action in the box titled “Applicant Comments”. If the permit writer has made any changes to a field on the application, you can view the previous value by placing the cursor over the field.

When all responses are complete, click the “Submit to DEP” button at the bottom of the eNOI.

Note: If there were no deficiencies identified on your attached documents, it is not necessary to upload them again with your response. If attachments were deficient, then correct the affected documents and upload only those attachments as your response. Do not upload blank or “placeholder” files as attachment documents.

The applicant is required to sign and date every submittal to DEP. The date box needs to be updated each time the eNOI is submitted to DEP. Failure to enter the correct date on your submittal will cause it to be deficient.

Once your application is found to be complete and is technically approved, DEP will issue a coverage letter. A copy of the approved application and the coverage letter are required to be maintained on-site at all times for future inspections.